



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

WRIT PETITION NO. 3792 OF 2024

ANJUM PARVEEN NAHADI ABDUL AJJ AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND  
OTHERS

...  
Advocate for the Petitioners : Mr. Pavan P. Uttarwar  
AGP for Respondents : Mrs. M. L. Sangit

...  
**CORAM : S. G. MEHARE, J.**

**DATE : 12-04-2024**

**PER COURT :-**

1. Heard learned counsel for the petitioners.
2. Issue notice to respondents.
3. Learned A.G.P. waives service of notice for respondents No.1 to 5.
4. The petitioners have disputed claim of respondent No.4 that their construction was on the building line and the control line. In 2012, similar notice was served upon them. At that time, the encroachment was discovered.
5. It is the submission of the petitioners that the construction of the shops and house was as per sanction map of the Municipal Council, Biloli. They have not encroached upon. However,

respondents incorrectly held that the construction of the house of the petitioners is in contravention of the Maharashtra Highways Act. The petitioners are in possession for many years. If respondents No.4 wants the land of the petitioners for widening road, there should be acquisition. Respondent No.4 issued a notice of demolishing shops of the petitioners.

6. Considering the length of dispute and issue involved in the case, there shall be *interim* stay to the impugned judgment and order till the next date.

7. Stand over to 02.05.2024.

**( S. G. MEHARE )**  
**JUDGE**

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